

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80958 of 2024**

Arising Out of PS. Case No.-364 Year-2022 Thana- COMPLAINT CASE District- Supaul

Bauaalal Pandit @ Bauaa Kumar Pandit S/o Chedi Pandit R/o Village-  
Bishanpur Shivram Ward No.05, P.S.- Balua Bazar, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rambha Devi D/o Shiv Narayan Mandal R/o Village- Bishanpur Shiram,  
P.S.- Balua Bazar (Birpur), District- Supaul

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pratibha Ssrivastava, Advocate

For the Opposite Party/s : Mr. Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      04-12-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with  
Complaint Case No. 364C/2022 instituted for the offence  
punishable under Sections 498(A) of the Indian Penal Code and  
under Section 3/4 of the D.P. Act.

3. The prosecution case, in short, is that the marriage  
of the opposite party no. 2 (Rambha Devi) was solemnized with  
the petitioner (Bauaalal Pandit). After one month of marriage,  
the accused persons including the petitioner started torturing the  
complainant (O.P. No. 2) on the pretext of dowry and forced  
her to leave her matrimonial house.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is the husband of the opposite party no. 2. It is next submitted that prior to the present case opposite party no. 2 had filed Birpur P.S. Case No. 38 of 2021 dated 01.02.2021 under Sections 341, 323, 498A of the Indian Penal Code and Section 3/4 of the D.P. Act against the petitioner and his family members. Learned counsel further submitted that at that time, the petitioner was declared juvenile and since the petitioner was in custody, he was granted bail vide order dated 18.08.2021 passed in G.R. 80/2021, Birpur 38/21, ER-79/2021. It is further submitted that petitioner has filed Matrimonial Case No. 16/2021 in the Court of Principal Judge, Family Court, Supaul for declaration of his marriage with the opposite party no. 2 as null and void, which is pending for its final adjudication. It is next submitted that the said matrimonial case has been filed on 15.02.2021 while the present case has been lodged on 27.09.2022. It is further submitted that complainant has not whispered about the earlier case as well as her date of marriage with the petitioner. Learned counsel further submitted that the date of marriage has been disclosed by the opposite party no. 2 in her solemn affirmation as 02.10.2020 but



the actual date of marriage is 15.12.2020 and at that time, petitioner was minor and only 17 years old. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Complaint Case No. 364C/2022, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Birpur, Supaul, subject to condition as laid down under Section 438(2) of the Cr.P.C.

**(Khatim Reza, J)**

Sankalp/-

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